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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,684	02/01/2002	Ludwig Ceshkovsky	97108701(US)US DSCO	3105

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DISCOVISION ASSOCIATES  
INTELLECTUAL PROPERTY DEVELOPMENT  
2355 MAIN STREET, SUITE 200  
IRVINE, CA 92614

EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/683,684	CESHKOVSKY, LUDWIG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Aristotelis M Psitos	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 April 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

The IDS of 3/102 has been received and made of record.

### *Claim Objections*

Claims 30,31 and 49 & 50 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The parent claims for these dependent claims are apparatus/structure, however, the above-identified dependent claims add no further apparatus limitations.

Claim 17 is objected to because of the following informalities: This claim recites, "said rotating media player" which lack clear antecedent support. Appropriate correction is required.

The claims are grouped into the following groups for ease of following the analysis below:

- a) Claims 1-18 – method
- b) claims 19-54 apparatus
- c) 55-72 product claims

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

Art Unit: 2653

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 1-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizumoto et al further considered with Ceshkovsky.

With respect to the apparatus independent claims 19 and 37 (apparatus elements identified in claim 19, whereas claim 37 is written in "means" plus function language).

Claim 19	Mizumoto et al
An apparatus comprising	see abstract
A pickup	element 2
Storage area	memory 12
Tracking servo loop	see discussion with respect to element 7
Tracking actuator	element 23
Wherein clause	desired result, is capable of being performed
	By Mizumoto et al.

With respect to the ability that the tracking actuator provides a zero offset, there is no clear depiction of such in Mizumoto et al, nevertheless; such a is taught by Ceshkovsky ('036) function in this environment.

It would have been obvious to modify the base system of Mizumoto et al with the above additional teaching, motivation is to correct for track offsets.

With respect to claims 20,21,22 and 23, these functional abilities are inherently present in Mizumoto et al, i.e., Mizumoto et al can be configured to move the pickup, and a play function, a search function, and a record function (claims 21-23) are present. Applicant's attention is drawn to the discussion as recited in col. 1 line 12 to col. 3 line 32.

With respect to claims 24 and 25, memory area 12 is present.

With respect to claim 26, such is present, i.e., prior to searching/moving the pu, the current location is obtained appropriately – see the discussion with respect to figure 6 – see also col. 9 lines 20-30.

Art Unit: 2653

With respect to claims 27-29 – note the switch elements and their operation – see also the description commencing at col. 6 line 41.

With respect to claims 30-36 – see the description at col. 1 commencing at line 12 and focusing upon the atip information. The device is an optical disc storage device as recited in claim 35, i.e., a cd player.

With respect to apparatus claim 37, the appropriate claimed “means” are equated to the above identified elements 2, 12, 7, 23 as discussed above with respect to claim 19.

With respect to method claim 1, the method steps follow/occur when the above systems operate.

Dependent claims 2-18 and 38-54 find their equal in dependent claims 20-36 and are met as discussed above with respect to these claims.

With respect to independent claim 55, as claimed, a computer program product is interpreted to be the disc provided in the above combined references, the effects, i.e., “to cause a computer” to performed the desired results as recited in this claim follow especially since a “computer” is used in Mizumoto et al.

Dependent claims 56-72 equate to the above-identified dependent claims 20-36 and are met as well.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ceshkovsky ('329) can also be relied upon in place of the above relied Ceshkovsky document for the same teaching

Sasaki and Hashimoto are cited as illustrative of prior art track offset abilities during a seek mode.

Furuta et al is cited as illustrative of another prior art optical disc system having the overall ability to seek tracks and play them back.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (703) 308-1598. The examiner can normally be reached on M-Thursday 8 - 4.

Art Unit: 2653

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aristotelis M Psitos  
Primary Examiner  
Art Unit 2653

A handwritten signature in black ink, appearing to be 'A. Psitos', written over a circular stamp or mark.

AMP